

APPROVED: Meeting No. 24-81

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 25-81

July 20, 1981

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, July 20, 1981, at 8:00 p.m.

PRESENT

Mayor William E. Hanna, Jr.

Councilman Steve Abrams

Councilwoman Phyllis Fordham

ABSENT

Councilman John Freeland

Councilman John Tyner

The Mayor in the Chair.

In attendance: City Manager Larry Blick; Assistant City Attorney Paul Glasgow; Assistant City Manager Daniel Hobbs; Director of Finance John Lawton; City Clerk Helen M. Heneghan; Director of Recreation and Parks Ronald Olson; Information Officer Sue M. Patterson; Director of Community Development Douglas Horne.

Re: City Manager's Report

Mr. Blick reported the following:

1. Mark Papa of the Planning Department will be leaving the City August 1 to begin work with the Rouse Company in Columbia, Maryland.
2. Last Friday, 28 officials from the country of Japan visited with the City and were given an orientation and tour.
3. Metro officials have notified the City that the Edmonston Drive bridge will be opened in two weeks.
4. The Department of Transportation has notified the City that there has been a delay in the Taft Street traffic signal construction due to a lack of parts.

Re: Appointments

Mayor Hanna, with the confirmation of the Council, made the following appointments:

Board of Elections Supervisors: Ellen C. Covey - four-year term
831 Azalea Drive

Alternative Community Service Commission: Reappointment - Murray Warner - one-year term

Economic Development Commission - Glenn Looper - two-year term
106 Wall Street
Harlow Osborne
500 Nelson Street

Re: Award of Contract: Bid No. 51-81
Civic Center Fitness Trail

Bids were opened in the Conference Room in City Hall at 3:00 p.m., June 25, 1981 for the Civic Center Fitness Trail.

The bids recieved were as follows:

J. W. Taylor Associates, Oxon Hill, Maryland	7,562.00
Hanlon Construction Company, Ashton, Maryland	\$14,210.00
Construction Unlimited, Derwood, Maryland	18,933.00
Pagliaro Brothers, Stone Company, Upper Marlboro, MD	23,925.00

The fitness trail system proposed by J. W. Taylor Associates does not meet the specifications of this bid and is therefore disqualified. All the other bids exceed the estimated cost of \$12,000 for this project. This project is funded in part by a Program Open Space grant. The approved POS grant amount is \$9,000.00 and the Rockville contribution to this project is \$3,000.00. The total amount available is \$12,000.

Preliminary price quotes were obtained from the manufacturers of acceptable fitness trail equipment prior to this bid. Based on this information, the budgeted amount should have been adequate for this project. The staff feels that all bidders overestimated the labor cost for this project.

The staff recommends rejecting Bid Number 51-81 for lack of sufficient funding, and exploring a cheaper alternative method of accomplishing this project.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Bid No. 51-81 was rejected and the staff was instructed to explore a cheaper alternative.

Re: Award of Contract:
Provision of Data Processing
Equipment

The Director of Finance recommends that the Mayor and Council select the Hewlett-Packard HP-3000 Series 44 computer and related equipment and software. This recommendation was the result of an extensive process which included the development of a Request for Proposals that outlined both technical and programmatic needs of the City and evaluation of the proposals by a committee made up of staff familiar with both the technical aspects of data processing and the City's management needs. All City departments have been involved in some aspect of this process.

The Hewlett-Packard proposal has been compared to the five-year data processing plan approved by the Mayor and Council last year. When the figures in the five year plan are inflated to 1982 dollars, the Hewlett-Packard bid will allow the City to achieve a greater than expected level of automation within the range of costs projected in the plan.

The City Manager recommends approving the selection of the Hewlett-Packard HP-3000 Series 44 computer and associated equipment as outlined in the memorandum from the Director of Finance. All department heads and senior staff have seen the system demonstrated and are unanimous in their support of this recommendation. The City believes that increased utilization of data processing capability is one of the most important things to provide staff with the information needed to carry out their jobs efficiently, and at the same time provide the citizens of Rockville and the Mayor and Council with the information needed to evaluate and make choices and set policy for the City.

John Lawton, Director of Finance, briefed the Council on the computer selection process. Councilman Abrams asked if the City was preparing to use pre-packaged software or individually designed software. Mr. Lawton said individual design is more cost effective because with pre-packaging, conversion is very expensive. Councilman Abrams asked how many people would be hired. Mr. Lawton said there will be four including Mr. Buchman, but it is his hope to train present City personnel so as not to hire outside. Councilwoman Fordham said she would be interested in finding out how much information will be generated on a weekly basis. Mr. Lawton said it will be an on-line realtime system. Councilwoman Fordham asked about the possibility of time sharing with another community and Mr. Lawton said that possibility does exist. Councilwoman Fordham cautioned that the system become an end in itself and not be used to assist the personnel. Mayor Hanna asked the cost of conversion since he saw no figures listed. Mr. Lawton said it would be staff time of four but it will be minimal. Mayor Hanna said that time cost should be listed since hours used are money spent and they should be factored in. He about a cost/benefit analysis on when the system would begin to earn its keep. He said he nowhere sees a consideration given to a pullout by the City or the company and that type of data should be included. He would like to know when the City would show a profit in terms of individual application. He asked

that the Council not act on it this evening and wait for additional information. Councilman Abrams asked how much time it will take the staff to answer these questions. Mr. Lawton said not for next week's meeting but quite soon. Councilman Abrams asked how long the bid prices are good. Mr. Lawton said staff will contact Hewlett-Packard to get that information. The City Manager noted that the Mayor and Council were given a five-year plan last year which they approved and this entire selection process followed that outline. The Council agreed the selection would be postponed until additional information is provided.

Re: Approval of Filing of
Street Closing Application

In November of last year, a contract for sale was signed between the City and Mannakee Investors whereby the City sold a parcel of land in the Montgomery College Urban Renewal Area to Mannakee Investors. A fifteen foot wide alley bisects this parcel which alley was placed on the Land Records by Plat in 1891. This alley appears to be a "paper alley", which was never used as a public right-of-way in the City. In light of this fact and the fact that it cuts directly across this parcel, in order to move forward with settlement on this tract of land, it is necessary that this encumbrance be removed. In order to accomplish that objective, the City has prepared Street Closing and Abandonment Application No. 37-81.

In addition to the alley which traverses this parcel, a 30 foot service drive easement exists adjacent to this property along Route 355. Since this particular parcel is at the intersection of Mannakee Street and Hungerford Drive, most of the service drive area will not be required since access to this parcel of land will be via Mannakee Street. In light of this fact, staff has prepared Street Closing and Abandonment Application No. 36-81 to accomplish the abandonment of the appropriate area of the service drive.

The staff recommends approval of the filing of the two applications.

Mr. Owens of the Planning Department answered Councilwoman Fordham's questions for clarification of the reason for filing of the application.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, approval was given for the filing of the applications.

Re: Resolution: To Authorize
Signatures for City Bank
Accounts

Resolution No. 18-81

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Resolution No. 18-81, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, authorizing signatures for City bank accounts, was approved by the Mayor and Council.

Re: Resolution: To Establish a
new fee schedule for zoning
applications and permits

Resolution No. 19-81

On motion of Councilman Abrams, duly seconded and unanimously passed, Resolution No. 19-81, the full text of which can be found in Resolution Book, No. 7 of the Mayor and Council, establishing a new fee schedule for zoning applications and permits, was approved by the Mayor and Council.

Re: Citizens Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. David Abuhove, Chairman of Planning Commission, 51 Monroe Street. Mr. Abuhove told the Mayor and Council that he would soon be moving from the City of Rockville. The move has become necessary in order to find a home with enough space for his family. Before going, he would like to tell the Mayor and Council that there are problems with the zoning and building, and there should be a provision for some type of affordable housing in the Rockville area so people are not forced to go elsewhere in the County. Mayor Hanna agreed with Mr. Abuhove and said there are problems with the cost of housing and with the cost of financing. He is sorry that that situation exists and does not know when in the future the situation will be alleviated.

Mayor Hanna said he is delighted to be able to thank Mr. Abuhove for his years of public service and to say publicly that Mr. Abuhove has made an extraordinary contribution to the City throughout the years he has been here. He has been a tireless worker and the citizens and the Mayor and Council lose a good friend when he leaves the City.

2. Gilman Grave, 14 W. Argyle Street. Mr. Grave brought a petition to the Mayor and Council from the neighbors in the area of Argyle Street, requesting a barrier be built at Argyle and Monroe to stop the thru traffic that is such a problem to the neighborhood. He read the names of the people who had signed the petition. Councilman Abrams asked if the traffic problem is just during rush hours or all day. Mr. Greve said it is an all-day problem. Mayor Hanna noted that the Traffic & Transportation Commission and the Planning Commission would look at the petition and come back with a recommendation.

3. Steve Fisher, president of the Rockville Civic Federation. Mr. Fisher read a letter to the Mayor and Council and reported on three resolutions adopted by the Federation. The first asks the Mayor and Council to maximize buffering between the community of Potomac Springs and the slated I-3 development. The second one urges the Mayor and Council to develop and implement an adequate facilities ordinance to ensure appropriate buffering between residential and industrial zones. The third resolution concerns Cable TV and asked the Mayor and Council to clearly state their position on Cable TV and schedule a public forum or hearing for the purpose of ascertaining the overall interest or lack thereof of Rockville citizens on Cable T.V. The Council questioned Mr. Fisher on the various points he brought forward and thanked him for his appearance.

4. Nick Stoer, Potomac Woods Civic Association. Mr. Stoer told the Mayor and Council new information has been given to the staff to be forwarded to the Mayor and Council concerning the annexation, X-84-81, on the Wheel of Fortune property. He said the owners have been asked to come up and do a site survey. He said that the owners had made a statement concerning the interest rate charged that would occur if an easement were placed over the adjoining property and the civic association questions that statement after talking to the mortgage banker. Mayor Hanna said the Council plans to schedule a decision on that particular annexation resolution on August 3 and he would like to see these points clarified prior to that. Councilman Abrams asked if the civic association has had any conversation with the developer about the information that has been brought forward. Mr. Stoer said there has been no opportunity since the association got the information.

5. A member of the West Rockville Elementary PTA. The gentleman told the Mayor and Council that the PTA plans to look at the West Rockville, College Gardens

and Hungerford Park areas and will be offering two alternative plans to the Board of Education. The first will be to close College Gardens and move the students to West Rockville and the second would be to close Hungerford Park and move the students to West Rockville. He said this decision was arrived at by examining the physical plans and agreeing to close the school in the worst condition. The Mayor and Council thanked him and said later on this evening they will be addressing the school facilities plan.

6. Bob Sholtz of the Montrose West Partnership, Mr. Sholtz told the Mayor and Council he is surprised at the conversation that was recorded by the Potomac Woods Civic Association with the mortgage banker and with the owner of the neighboring property since he was told by the owner that the owner was not interested in allowing the Furman Company to have an easement. The Mayor and Council suggested Mr. Sholtz talk to the civic association since they are both present here this evening. Councilman Abrams asked that Mr. Sholtz talk to Wilt Stipes and get his position also.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

(At this time the Mayor and Council took a five-minute recess.)

Re: Public Hearing: Special
Assessment Project- Construction
of sidewalk along south side
of Maryland Ave. from Fleet St.
to point 40 feet west of Argyle St.

The Mayor and Council conducted a public hearing on Special Assessment Project, 001621, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor declared the hearing closed with the record to be held open for 3 weeks.

Re: Public Hearing: Text Amendment
Application, T-44-81, Rockville
Planning Commission, Applicant,
adding a new section to Div. 4
of the Zoning & Planning Ordinance
to allow the waiver of certain
parking requirements in the
O-2 zone

The Mayor and Council conducted a public hearing on Text Amendment Application, T-44-81, allowing the waiver of certain parking requirements in the O-2 zone, and heard those persons as will be found in the official stenographic

of the hearing. There being no other person wishing to be heard, the Mayor declared the hearing closed with the record to be held open for two weeks.

Re: Public Hearing: Areas of
Critical State Concern

The Mayor and Council conducted a public hearing on Areas of Critical State Concern and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other person wishing to be heard, the Mayor declared the hearing closed with the record to be held opened for one day.

Re: Public Hearing: M-29-81,
Map Amendment Application, Rockville
Planning Commission, Applicant,
sectional map amendment proposing
the comprehensive rezoning of an
area consisting of 22.5 acres ±
described generally as the Dawson
Adams Study Area, at North Street
and Beall Ave., near the West End
Subdivision and Welsh Park

The Mayor and Council conducted a public hearing on sectional Map Amendment Application, M-29-81, and heard those persons as will be found in the official stenographic transcript of the hearing, there being no other person wishing to be heard, the Mayor declared the hearing closed with the record to be held opened for three weeks.

The time being 1:10 a.m., the Council agreed to recess the meeting until 6:00 p.m., Tuesday, July 21, 1981.

The Mayor and Council reconvened at 6:15 p.m. on Tuesday, July 21, 1981. Present were Mayor Hanna, Councilmembers Freeland and Fordham and Councilman Abrams arrived at 6:55.

Re: Review of Alternative Comprehensive
Plan for School Facilities within
Rockville

Mr. Andy Johnson of the Planning Department, and Dr. Carlos Caban of the Planning Commission briefed the Council on the Preliminary 15-year Comprehensive Plan for Educational Facilities. Most particularly, the report, given to the Council, addressed the question of Richard Montgomery High School in five years and the five-year period after that. Viewgraphs were presented showing enrollment trends. The report indicated that the County's recommendation

from the Superintendent, once implemented, could lead to the closure of Richard Montgomery High School and Julius West Middle School. Richard Montgomery represents, in the mind of the commission, a unifying symbol for Rockville as it is a rallying point around which residents can identify more clearly their association and participation in the greater Rockville community. This symbolic bond and the traditions it represents holds greater value to the City than the impersonal performance criteria employed by the Superintendent, at the direction of the Board of Education, to determine which school will remain open and which school will close. Consequently, the Commission recommends that the City take a very strong position of opposition to any attempt to dismantle the Richard Montgomery High School group. Instead the City should actively promote the strengthening of the Richard Montgomery High School group through consolidation with other groups if necessary, so that Richard Montgomery High School and its feeder schools continue to function as the central school system serving the City.

The Commission also recommends that steps be taken to strengthen the bond between the Mayor and Council and the Board of Education in order to forge a constructive working relationship and atmosphere which will be conducive to the furtherance of the goals and objectives of the adopted Plan for the City.

Mr. Johnson explained that a plan has been devised whereby the students would be fed to Julius West from Ritchie Park, Fallsmead, and Congressional Elementary to increase the percentage of utilization. Mayor Hanna asked if other City schools were slighted in this report. Mr. Johnson explained that they were not. Mayor Hanna asked the age of the schools being discussed. Mr. Johnson said the average adjusted age is Wootton, nine years, Rockville, 12 years and Richard Montgomery, 7 years. Dr. Caban said that the Planning Commission was not in complete agreement with the approach of the staff report. He said it showed no strength on the City's part to make a case on just switching boundaries. He felt that the original problem was with the 15 Year Plan itself since people swallow the document without studying it. It is a biased report that constitutes the basis for the recommendations. An arbitrary division was made of the high schools into four areas. That put the three Rockville schools in separate clusters and they were analyzed accordingly rather than analyzing Rockville schools as a whole. He said what it amounts to is gerrymandering of the schools. He said one approach that has not even been touched is using 50 percent of a building as a school and using the

other 50 percent for different use and charging rent to offset the educational costs. Mayor Hanna noted that the primary reason this is being discussed by the Mayor and Council is to preserve schools in Rockville. The City Manager noted that the utilization criteria can be questioned because with no shift, Julius West and Richard Montgomery meet the criteria. Instead of closing rooms that are under utilized, they close schools and good management sense is not used in approaching the problem. Mayor Hanna suggested that the report to the Board of Education start with why there are problems with the logic of the report and questions for the criteria used. After that point is made, move to Mr. Johnson's point and say that if the Board would prefer that the City assume their logic and criteria are correct, the City can introduce the data to prove them incorrect.

(At this time Councilman Abrams joined the meeting.)

Councilman Abrams asked Mr. Johnson if the Ritchie Park Elementary School will be split by this plan and why the plan suggests sending students to Julius West and Richard Montgomery instead of Frost and Wootton. Mr. Johnson explained that the point has been made previously and that there is no attempt to hurt either Frost or Wootton. It was simply an attempt to even out that would benefit Richard Montgomery and Julius West. Councilman Abrams suggested that perhaps a better policy would be to recognize the three schools as they relate to the City and its citizens. He felt the alternative scenario suggested would bring about unanimous opposition from the people on the west side of 270. Councilwoman Fordham said it is time to take a stand and the Council must agree that Rockville children should go to Rockville schools. Councilman Abrams suggested that there might be other means of preserving Richard Montgomery such as combining junior and senior students in that one building.

Councilman Freeland said that the Council this evening has not talked about quality education for the least amount of dollars and perhaps the Board should be looking to the better use of manpower. The intent should be for a full school system within the City's boundaries and it is his feelings that the proposed plans suggested by Mr. Johnson addresses the integrity of the system within the City's boundaries. Decisions must be made to serve the needs of the total system. He said that he endorses the plan and it is obvious that the City's planning process is impacting the School Board. He suggested that the Mayor and Council support new capabilities of the planning staff in

order to address this problem all year. If necessary, appoint a citizen commission to deal with the School Board on a continuous basis.

Councilman Freeland moved, duly seconded, that the alternative scenario, as suggested, by the staff be supported by the Council and have staff continue to develop ideas brought forward by the Mayor and Council tonight.

Councilman Abrams agreed that Rockville students should be in Rockville Schools and the Rockville system should be a subsystem of the Montgomery system. He noted that when people purchased their homes the Master School Plan showed Frost and Wootton as the school the students would go to, and this would be disappointing to parents whose children are sent a long distance away. He suggested that the problem with how to maintain the schools in the City in the least disruptive fashion and 95 percent of the students being shifted to a different school is a rather major disruption. He would rather explore other alternatives. Mayor Hanna said there is very little time to explore any other alternatives. A decision has to be made by the Council because of the School Boards' time table. He said agreeing to the School Board's plan signifies the abandonment of a school in the central city and a large problem nationwide has been the abandonment of these schools and in turn the abandonment of the central cities themselves until any recovery cost becomes astronomical. The Mayor and Council must talk in terms of a subschool system within the City that the Board of Education will sanction. He asked Councilman Abrams if he has a better proposal. Councilman Abrams suggested combining junior and senior schools of Julius West and Richard Montgomery in one building. Councilman Freeland said it is not the time to redesign the school system. Councilman Abrams said he cannot support the proposal as brought forward by the staff and he knows that other citizens will join with him. He suggested that if the Mayor and Council plan to talk to the School Board, that they seek citizen support and they will not have citizen support for the plan as suggested. Dr. Caban said the points that must be brought forward are 1) that the City is a distinct entity with a Master Plan. 2) The County has done no analysis recognizing the City as a separate entity. 3) The Mayor and Council should consider submitting an alternative to the Board of Education based on the City's being an entity and then look forward to further meetings to work out details. Mayor Hanna applauded this rational approach. Councilman Abrams said he supports the concept but he cannot support this

particular plan. It falls prey to the same gimmickry that the City is accusing the Board of Education of practicing. It supports a situation that is most destructive to one neighborhood. Mayor Hanna asked Councilman Abrams after all other avenues are explored, if this particular approach turns out to be the only other plan, would he sacrifice Ritchie Park School for Richard Montgomery. Councilman Abrams said if after he had examined all the other reports and found several elementary schools disrupted and found that must be or sacrifice one high school, he would take that approach. Councilman Abrams said there is a necessity of evaluating the overall picture with understandable information and time. He said that based on the knowledge he has of the situation and the short time the Council has had to study the matter, he feels he should vote for the thing most familiar to him, within the limits of his expertise, his information and his understanding. If a good deal of time was provided and more information for him to study, there is always the possibility that he could reach a different conclusion. However, at this point, he feels confident that the Council can appreciate his stand.

Councilwoman Fordham called the question.

Councilman Freeland's motion to support the approach suggested combining the staff and the commission's view point, passed, Mayor Hanna and Councilmembers Freeland and Fordham voting aye and Councilman Abrams voting nay.

Mayor Hanna instructed the staff to compose the letter for the Board using the staff report and criteria as an example to build a case and then bring in Dr. Caban and the City Manager's points.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. P. Lawwill, Chairman, Recreation & Park Board, re renaming of Glen Ora
2. P. Lawwill, Chairman, Recreation & Park Board, re Bike activities
3. W. A. Krebs, State of Maryland, re Open Space Grant
4. County Executive, re Gude landfill briefing
5. W. Bishop, re Edmonston Bridge
6. Letters, re appreciation party
7. County Executive, re Youth Services City request
8. S. Tillery, World's Fair Committee re representatives
9. D. Abuhove, re resignation from Planning Commission
A. Pritchard, re resignation from Planning Commission
10. County Executive re CATV

11. P. A. Yost, re road construction questions
12. L. Marston, HHS, re offer of cooperation
13. Mr. & Mrs. Rader, re Furman construction
14. Gov. Hughes, re SB749 and HB854
15. Sean Coakley re Irish festival
16. St. Luke's House, re neighborhood meeting
17. C. Wallace, Board of Education, re 15 Year Plan approval
18. S. J. Savage, re CATV
19. Americana neighbors, re Monroe St. Park
20. G.C. Baker, re cleanup of City
21. Acknowledgement of Mayor's letter
22. Rockshire Association, thank you for park

Re: Information Items

The Mayor and Council noted the following items of information:

1. Article on Solar Energy
2. Memo on snow violation policy
3. Memo on Rt. 28 traffic problem
4. Memo on County plan for closed schools
5. Copy of letter from DOT re Rt. 28/Ritchie signal
6. Responses to citizen complaints
7. Memo on year-end supplemental appropriation
8. Letter to CM re Ride-on
9. Copy of Sen. Shore letter re Woodley Gardens School
10. Information on Planning Commission workshop on 15 Year School plan
11. Letter to Civic Associations re water main flushing
12. Notice of hearing on Veirs Mill Road improvement
13. Citizen complaints
14. ACSC activities
15. Letter to SHA re Veirs Mill Road bridge
16. Letter complimenting City employee
17. Memo on grant turndown
18. Memo re Financial Advisor for Issue of Bonds or Notes

Re: New Business

1. Councilman Abrams questioned how many councilmembers must request a public hearing in order for it to be scheduled. The City Attorney explained that the Mayor sets the agenda. When an ordinance is introduced, if two

councilmembers so request a public hearing, a public hearing is held. If it is a zoning matter, a public hearing is required according to Article 66B of the Annotated Code of Maryland.

Re: Approval of Minutes

On motion of Councilwoman Fordham, duly seconded and unanimously passed, the Minutes of Meeting No. 22-81, June 3, 1981, were approved as amended.

On motion of Councilman Freeland, duly seconded and unanimously passed, the Minutes of Meeting No. 23-81, June 15, 1981, were approved as written.

Re: Adjournment

On motion of Councilman Abrams, duly seconded and unanimously passed, the meeting was adjourned at 7:50 p.m. to convene again in general session on Monday, July 27, 1981, at 8:00 p.m. or at the call of the Mayor.